REMARKS

Claims 1, 2, 5-18 and 20-22 are ending.

Claim 5 is now rejected under 25 USC 112 first paragraph due to the use of the terms ISO (International Standards Organization) and (CMM) Capability Maturity Model. The examiner maintains the scope of the claim is unclear because there are more than 16,000 ISO standards and multiple levels of CMM. In the chemical arts claims commonly include generic formulas that cover thousands of specific compounds. Claim 5 is met by any standard which meets the defined genus, i.e. can be identified as ISO or CMM. It makes no difference for purposes of 35 USC 112 that the number of possibilities is large. Breadth alone is not indefiniteness; see MPEP 2173.04 citing *In re Miller*, 441 F.2d 689, 169 USPQ 597 (CCPA 1971). The rejection under 35 USC 112 should be withdrawn.

Claims 1, 2, 5-18 and 20-22 were rejected under 35 USC 103 as unpatentable over Walsh U.S. Patent Application 20020147620 and Davies, et al. U.S. Patent Application 20030033191. Walsh is directed to a software quality assurance management system. Lengthy passages from Walsh are cited and relied for claim elements:

[0031],[0032],[0026],[0042],[0054],[0032],[0055],[0037].

The examiner then states at page 4 "Walsh does not explicitly teach the project is defined by a series of development phases, each phase must be evaluated, selecting a user role, and displaying a description of what a user having that role should do during the selected phase." This is inconsistent with the examiner's explanation at pages 3-4, wherein the examiner makes reference to a project in Walsh.

The present invention is a phase-based system and method. Without reference to a project defined by a series of phases, it makes no sense to discuss the details of Walsh, which is an auditing method. The present invention is instructional in nature. It does not simply evaluate according to standards, rather it provides instructions to the user as to how to enter information needed to meet the standards.

For the displaying step of claim 1, the examiner cites Walsh step 106: This step provides: "Enter Completed SQA Activity Into System" - [0054] Once a particular SQA activity has been accomplished, the SQA Engineer (auditor) records (via an activity form displayed on the client computer 12), in a step 106, the completed activity in the system 20. Information regarding the

activity name, the date the activity was performed, and/or notes about the activity are captured in the activity form.

Consistent with the purpose of the system for auditing, it does not instruct users how to meet the requirements of the standard; rather it simply monitors compliance after the fact. It likewise does not base the display on the user's role in the project. Most of the steps of applicants' method are not met by the Walsh reference, and the examiner admits this at page 4 of the action.

Davies relates to systems and system components that facilitate new product development and product lifecycle management in an enterprise. A multi-phase product development program is discussed. It is not evident how, if it all, the systems of Walsh and Davies could be combined, or how the examiner proposes to combine them. One is an auditing system, the other plans product development. Either could be networked, but it appears the examiner is relying on Davies without need for Walsh. Davies at least is in the right ballpark, i.e. a system for implementing a project with phases, but it still fails to teach several essential steps of applicants' method. For example at the top of page 5 of the examiner's action, for the "displaying a description" step of applicants' method, the examiner cites the "Gate Review":

> [0120] According to specific embodiments, the present invention supports Stage-Gate.TM. (a trademark of the Product Development Institute) or Phase-gate approaches to PLM. Each Lifecycle can be broken down into large blocks of work that are called Phases. For example, a Life cycle might start with a Justification Phase, followed by an Exploration Phase, which must be completed prior to undertaking a full-fledged Development Phase. Each Phase can include a Gate Review, an evaluation point where the health and attractiveness of the Program is assessed and where a "Go/No Go" decision is made. FIG. 3 is an example block diagram illustrating an example six-phase lifecycle according to specific embodiments of the present invention.

Applicants step of "displaying a description of what a user having that role should do during the selected phase for each quality assurance step to comply with one of the predetermined standards" is not a Gate Review as Davies discusses. The present invention is about instructing individual users how to comply with the applicable standards at each phase of the project, and then allowing the user to input such information. The present invention is only a part of a larger project management system such as disclosed by Davies. Moreover as provided in claim 1, the

user is instructed how to enter information which meets two standards at the same time: "wherein the displayed description comprises composite instructions meeting two or more predetermined standards." The prior art cited by the examiner suggests that multiple quality standards exist, but the cited systems do not however suggest the possibility of using "composite instructions" as defined in applicants claims. At page 11 of the action, the examiner cites paragraph [0042] for a teaching of composite instructions according to the invention:

> [0042] The architecture described above provides a general framework in which an SQA Management System 20 may be implemented. In particular, the preferred embodiment of the present invention configures the SQA Management System 20 to implement an SQA program that complies with the requirements of the CMM defined by the Software Engineering Institute ("SEI") at Carnegie-Melon University. However, in other embodiments, the SQA Management System 20 may also be configured to implement other types of quality assurance and/or auditing programs such as those used for ISO 9000 and/or TL 9000.

The mention of CMM and ISO is in the alterative; use one standard or the other. There is no teaching of providing instructions that meet both standards at the same time, as required by the present claims. In this respect and others as discussed above, the cited references, individually or in some combination which is unclear, do not meet all of the limitations of applicants claims, and thus do not render obvious the claims.

No prima facie case for obviousness of the system and method claimed by applicants is made out unless the examiner provides a reasonable basis for making the combination. There is no discussion in Walsh of what manner of instructions are displayed to the user completing different forms as the reference describes. To the extent the displayed instructions relate at all to a standard, par [0042] suggests the system implements one standard at a time. Accordingly for the foregoing reasons, claims 1, 13 and 18 as amended are patentably distinct from the systems of the cited references.

Applicants have made an earnest attempt to place the case in condition for allowance. Favorable action and passage of the case to issue are respectfully requested. It is believed that no other fees are due. If this is incorrect, please charge any required fees to Deposit Account No. 50-1588.

Respectfully submitted,

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